UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/SR.13
17 June 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 April 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

CONTENTS

STATEMENT BY MS. LIDYE ERR, MINISTER OF STATE FOR FOREIGN AFFAIRS, FOREIGN TRADE AND COOPERATION OF LUXEMBOURG

STATEMENT BY MR. VASILY SREDIN, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

STATEMENT BY MR. EUGÈNE NINDORERA, MINISTER FOR HUMAN RIGHTS OF BURUNDI

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-11823 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY MS. LIDYE ERR, MINISTER OF STATE FOR FOREIGN AFFAIRS, FOREIGN TRADE AND COOPERATION OF LUXEMBOURG

1. Ms. ERR (Luxembourg) said that much work remained to be done to ensure the full enjoyment of the universal and indivisible rights enshrined in the Universal Declaration of Human Rights. Luxembourg endorsed the comments which had been made earlier by the representative of Germany on behalf of the European Union, and also supported the efforts that were being made at the current session to reform the mechanisms established by the Commission on Human Rights to promote and protect human rights. Credit should be given to the Office of the High Commissioner for Human Rights for drawing up the technical assistance programmes which often facilitated the enjoyment of human rights. However, owing to insufficient resources, there was a risk that the Office of the High Commissioner would simply perform a laboratory role. Field missions were still largely dependent on voluntary contributions. Accordingly, Luxembourg intended to make a voluntary contribution of $1.5 million in 1999.

2. Luxembourg attached considerable importance to the draft resolution introduced by the European Union calling for the abolition of capital punishment, a legalized form of execution, or at least the suspension of its use, particularly in respect of minors and mentally handicapped persons. The death penalty had not been struck out of the Luxembourg Criminal Code until 1974, but it had never been applied since 1949.

3. The general human rights situation in China continued to cause concern; the measures taken by the Chinese authorities against political dissidents ran counter to the spirit of the dialogue between China and the European Union on human rights. Luxembourg acknowledged that the signature by China of the International Covenant on Civil and Political Rights and the reform of the Chinese Criminal Code were steps in the right direction. However, those commitments needed to be followed up by concrete actions. In that constructive spirit, Luxembourg stood ready to strengthen dialogue between China and the European Union and urged the Chinese authorities to do likewise.

4. On the occasion of the tenth anniversary of the Convention on the Rights of the Child, the number of children affected by starvation, anti-personnel mines and wars had increased; others had become refugees or displaced persons, for example in Kosovo; and others had fallen victim to State-orchestrated terror or terrorist acts perpetrated by armed bands. It was therefore particularly important to give an impetus to the two working groups engaged in drafting the optional protocols to the Convention on the Rights of the Child, regarding the situation of children affected by armed conflict and the sexual exploitation of children.

5. In contrast, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been drawn up in record time and would enter into force as soon as it had been ratified by enough States. The Committee set up to monitor the implementation of the Convention would then be able to examine individual complaints. Her Government had listened with particular attention to the opinions of Special Rapporteurs

Ms. Coomaraswamy and Ms. Warzazi, who in their remarks about the sexual mutilation of young women and girls had dwelt on the need to substitute customs that were incompatible with human rights with procedures designed to safeguard a community's cultural heritage and respect the physical and mental integrity of its members. The blind authority of tradition needed to be questioned where human rights were concerned. Accordingly, Luxembourg was supporting a project in Mali under the auspices of the United Nations Population Fund (UNFPA); the project provided for the organization of information campaigns and offered alternative income-generating activities to persons who performed ritual operations.

6. The signing, at Rome, of the Statute of the International Criminal Court would make it possible to prosecute persons responsible for committing atrocities during armed conflicts, particularly when the victims included children, old people and women. In that connection, it was important to condemn as strongly as possible the ethnic cleansing currently being carried out in Kosovo by the Belgrade regime, request the International Criminal Tribunal for the Former Yugoslavia in The Hague to launch an inquiry into the acts of barbarism to which the Kosovo Albanians were being subjected, and to bring to justice whoever was responsible.

7. Human rights education was a powerful antidote to poverty and discrimination. Her Government had strengthened its development cooperation policy in a spirit of justice, solidarity and partnership. Official development assistance would reach the target of 0.7 per cent of gross national product by the year 2000.

8. Finally, Luxembourg was actively participating in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was vitally important not to reduce racism to a war between cultures and to bear in mind that it was an inner scourge threatening society as a whole.

STATEMENT BY MR. VASILY SREDIN, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

9. Mr. SREDIN (Russian Federation) said that his Government was very disappointed that the fragile peace which had previously prevailed in the Balkans had been shattered; the aggression by the North Atlantic Treaty Organization (NATO) against one of the countries in the region, as well as the cynicism of NATO's leaders, who had justified their action by a desire to avoid a humanitarian catastrophe, should be roundly condemned. All the peoples of Yugoslavia were victims of NATO genocide and neocolonialism.

10. The international community's legitimate concern for the protection of human rights should not be used as a pretext to gain acceptance for partisan acts designed to protect selfish geopolitical interests. It was unconscionable that the efforts made over the years to establish a climate of trust between States and to put in place mechanisms to protect human rights should be destroyed overnight, simply because a certain party believed itself to be master of the world. Bombs were currently raining down on Yugoslavia, but the entire human race and the world order were the victims. Admittedly, there were times when the use of force was justified. But, as States had

decided more than 50 years before, the decision to use force should be taken by the Security Council within the framework of the United Nations. The bulk of the international community had recently reiterated its desire to suppress human rights violations through legitimate means by adopting the Statute of the International Criminal Court.

11. In her statement at the opening of the current session, the High Commissioner for Human Rights had laid emphasis on ways to prevent human rights violations and defuse potentially explosive situations. Some useful measures had been proposed. The forthcoming World Conference against Racism was another welcome development in identifying ways to prevent and eradicate discrimination based on race, ethnic origin or national identity. The success of the Conference would hinge on national measures. Despite the extremist statements of certain political leaders, the Russian authorities were firmly committed to fighting intolerance, xenophobia and anti-Semitism, in addition to all manifestations of political hooliganism. Two federal bills were currently before the Parliament, one aimed at combating political extremism and the other banning Nazi writings and emblems. A bill to ban Fascist propaganda was about to be passed. Finally, the concerns raised by the adoption of the law on freedom of conscience and religious associations had proved to be unfounded. Religious observance, either of the traditional or non-traditional kind, was on the increase.

12. Although social and economic conditions in the Russian Federation were difficult, the Russian Government intended to fulfil its obligation to protect rights and freedoms. Human rights protection was no longer the exclusive preserve of the major cities, as had been demonstrated in 1998, which had been designated Human Rights Year in the Russian Federation. Conferences and meetings had been organized across the country to mark the fiftieth anniversary of the Universal Declaration of Human Rights. Such events had helped to promote human rights principles in the regions. In addition, the Russian Federation had ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Framework Convention for the Protection of National Minorities. Accession to other European instruments was planned.

13. It was regrettable that, in some States which had formerly been part of the USSR, nationalist ideology was still widespread and influential. The phenomenon was particularly noticeable in Latvia and Estonia, where tens of thousands of persons had been deprived of their right to citizenship. Although the situation had improved as a result of efforts by a number of international organizations, there were still many administrative obstacles that hindered the integration of national minorities in those two countries. The Russian Federation hoped that the member States of the European Union would renew dialogue with Latvia and Estonia in the light of the latest findings of the experts of the Council of Europe.

14. The Russian Federation had high hopes for the reform of United Nations human rights mechanisms. They should be more efficient, better coordinated and less politicized. The High Commissioner for Human Rights, who was scheduled to pay an official visit to the Russian Federation in June 1999, had a key role to play. At a time when the world democratic order was under

threat, it was vitally important not to lapse into a confrontational mentality and to continue to protect the human rights and freedoms of all the peoples of the world.

STATEMENT BY MR. EUGÈNE NINDORERA, MINISTER FOR HUMAN RIGHTS OF BURUNDI

15. Mr. NINDORERA (Observer for Burundi) said that Burundi had made significant progress in achieving peace and enhancing the protection of human rights. Several highlights should be mentioned. The peace process had made headway owing to two complementary developments, the first outside Burundi, at Arusha, where the principal parties to the conflict had met on a number of occasions, and the other inside the country, namely the establishment of the partnership for peace. The capital and nearly all of the country's 16 provinces were now completely secure. The Government's programme of action to protect and promote human rights included specific measures such as the arrest and prosecution of State agents responsible for human rights violations, the organization of seminars in 11 of the 16 provinces and the election of human rights committees, the preparation of teaching materials adapted to the real situation in the country, support for civil society associations, the adoption of a reform and modernization plan for the judicial and penal system, the rehabilitation of victims and the gradual return of refugees.

16. Progress had resulted from the joint efforts of the Government, international organizations, national and international non-governmental organizations (NGOs), and financial backers. In addition, the field office of the High Commissioner for Human Rights in Burundi had played a significant role through technical cooperation, the judicial assistance programme and the human rights observer mission. It was vital that support should continue to be given to a population that had endured a senseless civil war and violations of their most basic rights.

17. Admittedly, not everything was rosy in Burundi, but the time was perhaps ripe for a change of attitude in the way human rights problems were dealt with. All too often, the human rights situation in a small country like Burundi became a political football, or even a tool of blackmail. Human rights were exploited as a means to lift economic sanctions or stimulate cooperation which would subsequently benefit the whole population. Furthermore, Hutus and Tutsis alike had often sought to prove that the murderers belonged to the opposite ethnic group, and the authorities had tended to deny or downplay the human rights violations of which they were accused. To achieve lasting peace, the people of Burundi would have to abjure their partisan bickering and work together for the promotion of human rights. Several international NGOs and certain members of the international community also needed to renounce the partisan mentality which had hindered the reconciliation of the Burundian people.

18. Government services certainly continued to exhibit a number of shortcomings; the Government itself faced complex problems. While not denying its responsibility, it nevertheless wished to make a plea that any criticism should be objective and constructive. It also hoped that any shortcomings would not be used as a justification for penalizing its action or taking measures against the civilian population. The Government wished to create a

new dynamism in Burundian society, embracing Burundians both inside and outside the country, with a view to protecting human rights. Accordingly, Burundi would host the next session of the African Commission on Human and Peoples' Rights, which was scheduled to be held in Bujumbura from 26 April to 5 May 1999.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/7, 25-27, 30-38, 41-43, 107, 117, 119, 121, 125-127 and 129-134; E/CN.4/1999/NGO/3, 11, 12, 16-20, 29.and 61; S/1998/581; A/53/402 and 490; A/52/539)

19. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) introduced his fifth report (E/CN.4/1999/31) by saying that, during his mission to the Democratic Republic of the Congo from 16 to 23 February 1999, he had met with the highest-ranking authorities in the country, members of civil society and the leaders of the main political parties. He had also visited a number of detention centres. In addition, the Government had permitted him to visit the rebel-occupied zone, where his work had not been restricted in any way and he had met with the leaders of the Rassemblement congolais pour la démocratie (RCD).

20. The climate of hatred, a legacy of the Mobutu era, and the paralysis of the democratization process which had been launched in the former Zaire in 1990, were two salient points that needed to be borne in mind. There had also been serious violations of the right to life and various freedoms, including violations of the provisions of the Universal Declaration of Human Rights, the International Covenants and other human rights instruments to which the Democratic Republic of the Congo was a party, and violations committed by the Kinshasa Government which affected the entire population. Second, there had been violations of the same rights committed by rebel forces fighting the Government. Third, there had been violations of international humanitarian law committed by government forces and their allies during the armed conflict in the east of the country, in particular exactions against the civilian population. And, fourth, there had been violations of the same norms during the armed conflicts in which rebel and foreign forces from Rwanda, Burundi and Uganda had taken part.

21. The chief cause of concern was the state of war which had existed in the east of the country since the beginning of August 1998. It was an "armed conflict involving foreign forces" given that the rebels and their Rwandan and Ugandan allies were seeking to overthrow the established Government, that the latter was supported by other foreign forces, and that the conflict was raging exclusively in the Democratic Republic of the Congo. As far as the Congolese Government and people were concerned, however, the conflict was perceived as a war of aggression in which most of the victims were civilians, including children. The war had inaugurated a real reign of terror in the rebel-occupied zone which had merely fanned anti-Tutsi feeling, especially following the massacres at Kasika, Makobola and Kamituga.

22. Furthermore, measures to ensure the transition to a democratic regime had been insufficient and had not won the support of the civilian population, human rights protection organizations or the political opposition parties, whose activities were still deemed illegal. The process of drawing up a constitution had come to nothing. In the occupied zone, the Rassemblement congolais pour la démocratie was the only authorized party; it tolerated no opposition.

23. Failure to respect human rights was a further cause for concern. First of all, the right to justice was by no means secure. National law did not conform to the principles contained in article 14 of the International Covenant on Civil and Political Rights. Trials before the Military Court were unfair and death sentences were very frequent, despite the fact that no one had actually been executed in 1999. Second, human rights defenders, political leaders and journalists were constantly being intimidated and imprisoned for often specious reasons. The situation was even worse in the rebel-occupied zone, where NGOs could no longer carry out their work. The transfer of prisoners from that zone to Rwanda and Uganda was another worrying development.

24. In contrast, several positive developments were also to be noted, for example the release of a number of political prisoners, the improvement of conditions of detention for persons imprisoned on account of their ethnic origin, and the establishment of a national commission of inquiry to look into the massacres committed in 1996-1997 during the war of liberation. The current Government had blamed its former allies for perpetrating those massacres.

25. The recommendations in the report dwelt on the need for meaningful and responsible negotiations between the Government and the rebels with a view to ending the war. The Government could no longer ignore the aspirations of the people for a credible democratization process involving all Congolese. Lastly, urgent action was required to protect human rights defenders. For their part, the rebels should realize that they lacked popular support because they were seen as an aggressive force which had inaugurated a reign of terror. It would also be useful to expand the jurisdiction of the International Criminal Tribunal for Rwanda or establish another international criminal tribunal to examine acts carried out by the RDC, in particular the violence at Kasika and Makobola. The representation of the Office of the High Commissioner for Human Rights should also be expanded to ensure more efficient cooperation with the Special Rapporteur in the fulfilment of his mandate and to strengthen his cooperation with the Government regarding the promotion and protection of human rights.

26. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi) said that his oral statement would take the place of the report which he normally submitted to the Commission; an unfortunate road accident during his mission to Burundi had prevented him from compiling his report. He nevertheless drew the Commission's attention to the report he had submitted to the General Assembly at its fifty-third session (A/53/490).

27. He had noted with satisfaction the efforts made by the authorities in Burundi to promote the peace process. The adoption of a provisional

constitutional act had made it possible to reduce hostility and restore a modicum of trust between the parties, opening the way to the inauguration of genuine democracy. Admittedly, many problems still hampered the return to normality, for example the refusal of certain armed groups to observe the cessation of hostilities, with the result that dozens of people were still being killed every day. Nevertheless, the negotiations currently under way in Arusha had the merit of bringing together in constructive dialogue some 20 Burundian political groups, representatives of countries in the Great Lakes region, and financial backers. The international community should support that process, even though the negotiators clearly required more time to rally Burundians both inside and outside the country to their cause. The essential task was to bring peace to Burundi, if only to deal with the disastrous consequences of the displacement or flight of approximately 15 per cent of the population. Within Burundi itself, some 600,000 displaced persons had gathered in makeshift camps where they were at the mercy of rebel groups. On the other hand, the lifting after more than three years of the economic sanctions imposed on Burundi by nine East African countries would certainly help to alleviate the suffering of the bulk of the population.

28. A number of human rights violations had been committed in Burundi by agents of the State and rebel groups alike. There had been widespread violations of the right to life. The unarmed civilian population continued to be subject to massacres, summary executions, forced or involuntary disappearances, arbitrary detention, torture, rape and other forms of sexual abuse, and mistreatment of prisoners. Women and children were particularly vulnerable. Some 260 persons facing the death penalty were being held in almost inhuman conditions; most of them had received no legal assistance whatsoever during often hasty trials. He solemnly and urgently appealed to the authorities to fully protect the rights of persons facing the death penalty and called upon them to announce a moratorium on future executions.

29. Beyond the progress that had been made in normalizing the situation, assistance and cooperation were urgently required. The international community should increase support for the judicial assistance programme, for example by taking on a bigger contingent of international lawyers to train their colleagues in Burundi. Moreover, the international community should not limit its involvement to distributing urgently required items to disaster victims; it should also be strongly encouraged to promote the rehabilitation of communities in distress and meet their medium- and long-term development needs. It was therefore necessary to implement a strategy in Burundi which would encourage recovery, as well as peace and national reconciliation. Finally, the international community should allocate adequate resources to the preparation of human rights education and awareness-raising programmes, particularly in support of the bold policy of the Minister for Human Rights.

30. Only a combined approach to the problems of the Great Lakes region could tackle the endemic evils which were tearing the region apart. The High Commissioner for Human Rights should therefore take the initiative of calling a new meeting of the three Special Rapporteurs entrusted with examining the situation in the countries involved. A regional approach to common objectives, encouraged by the international community, would stabilize the Great Lakes region and put it firmly on the path to national reconciliation, reconstruction, development, and democracy.

31. It would be desirable if, at the following session, the introduction of reports could be followed by a question-and-answer exchange.

32. Mr. MOUSSALI (Special Representative on the situation of human rights in Rwanda), introducing his second report to the Commission (E/CN.4/1999/33), said that he wished to highlight a number of facts, recent developments and recommendations.

33. First, the deep trauma inflicted by the appalling genocide of 1994 had persisted despite efforts by the Government and various elements of civil society. That fact accounted for the climate of fear and suspicion which continued to exist in Rwandan society, and a number of human rights violations had been committed by agents of the State who had been unable to repress their desire for revenge. It should also be borne in mind that the genocide of 1994 had virtually destroyed the country's administrative structure and economic potential. The weakness of the judicial system was an enormous challenge for the Rwandan authorities. The acknowledged authors of the genocide needed to be tried and punished in order to appease society. Yet some 125,000 persons were currently in custody, some of whom had been awaiting trial for four years. It should also be borne in mind that most of the survivors of the genocide were women and children in need of special attention. Widows and orphans were often completely destitute and without judicial protection, particularly with regard to inheritance.

34. A number of positive developments had nevertheless come to light during his two most recent missions in January and March 1999. Two new bodies had been established: the National Unity and Reconciliation Commission, the function of which was to report and prevent discriminatory acts, documents and statements and to supervise observance by various social groups of the ideal of national unity and reconciliation; and the National Human Rights Commission, whose mandate was to look into human rights violations committed in Rwanda and prosecute the perpetrators, particularly if they were agents of the State. The latter commission had also been entrusted with raising public awareness of human rights and had the power to institute legal proceedings. The seven members of the commission were chosen by the National Assembly from a list of candidates proposed by the President of the Republic; they were barred from holding any other office. With a view to enabling the commission to function as effectively as possible, he had proposed the organization of a round-table conference in cooperation with the Office of the High Commissioner for Human Rights which would bring together competent actors in civil society and the presiding officers of national commissions in neighbouring countries.

35. It should be stressed that the measures taken by the Rwandan Government to create a climate of trust and reconciliation were encountering resistance in the form of the genocidal intentions of the notorious Interahamwe militias, which were using the Democratic Republic of the Congo as a rear base from which launch their attacks. The support given by Rwanda's neighbour to the militias explained Rwanda's intervention in the Democratic Republic of the Congo and the gravity of the current crisis in the Great Lakes region. It was essential that the various countries in the region, supported by the international community, should reach agreement on a peace plan and a long-term solution, which was the sole means of establishing lasting peace, prosperity and respect for human rights in the region.

36. Mr. MVUMBI-DI-NGOMA (Democratic Republic of the Congo) said that the secretariat would shortly receive a communication from his delegation regarding the human rights situation in the Democratic Republic of the Congo, comprising an overview of efforts to promote and protect human rights in the country and his Government's reply to the most recent report of the Special Rapporteur (E/CN.4/1999/31). In the meantime, his delegation reminded the Commission that the Congolese Government had initiated a partnership with the United Nations, in particular by cooperating with the field office of the High Commissioner for Human Rights in Kinshasa and engaging in a constructive dialogue with the Special Rapporteur, who had been permitted to carry out his mission without restrictions. But the efforts made by the Government and specifically the Ministry of Human Rights to advance the promotion and protection of human rights had been hampered by the war of aggression being waged by the regular armies of Rwanda, Uganda and Burundi. The war was ipso facto a serious violation of human rights and humanitarian law, as evidenced by the massacres of the civilian population in the province of South Kivu.

37. With regard to some of the points raised by the Special Rapporteur in his report and oral presentation, the delegation of the Democratic Republic of the Congo noted that the conflict in the country was, contrary to the claim of the Special Rapporteur, an international conflict, i.e. aggression as defined in article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974, and the jurisprudence of the International Court of Justice. Moreover, the respective Governments of the aggressor countries had acknowledged the presence of their troops in Congolese territory; the participation of certain Congolese nationals in the conflict was simply a smokescreen to conceal their hegemonic and irredentist designs, namely the creation of a Tutsi state in Kivu and the spoliation of the mineral wealth of the Democratic Republic of the Congo.

38. Regarding the presence of children in the Congolese armed forces, it should be noted that the general staff had prepared a programme to demobilize child soldiers which would be implemented in partnership with international organizations including the United Nations Children's Fund (UNICEF). The recruitment of young people into the Congolese armed forces was currently in conformity with article 38, paragraph 3, of the Convention on the Rights of the Child. His Government also intended to organize a pan-African conference on the demobilization of child soldiers, to be held in Kinshasa.

39. The existence of the Military Court was justified during a war of aggression. It was nevertheless being fully reorganized to conform with the International Covenant on Civil and Political Rights. There were also plans for an appeals court.

40. Regarding the massacres of Hutu refugees, the Congolese Government had established a National Commission of Inquiry which would be independent and could request help from national and international experts to shed light on what had really happened during the liberation wars in the eastern provinces and the equatorial area. Strong evidence nevertheless pointed to soldiers of the Rwandan Patriotic Army.

41. Contrary to the campaign of falsehoods orchestrated by Tutsi extremists, the Democratic Republic of the Congo had guaranteed the protection of Tutsis since the start of the war. Those who had taken shelter in camps at Kinshasa and in the province of Katanga were there for their own safety, as the Special Rapporteur, who had been able to visit them, could testify.

42. The Congolese Government had repeatedly demonstrated its willingness to pursue a policy of democratization in spite of the war. Moreover, the President of the Republic had recently signed some important decrees which would enable Congolese citizens, including the so-called rebels, to discuss three important issues, namely the legitimacy of the authorities in the Democratic Republic of the Congo, the draft constitution, and Legislative Decree No. 194 of 29 January 1999 on political parties and groups.

43. Mr. GAHIMA (Rwanda) said that the Rwandan Government welcomed the report of the Special Representative on the situation of human rights in Rwanda (E/CN.4/1999/33), but regretted that it had given insufficient weight to the Rwandan Government's efforts to improve the situation since the previous session of the Commission. Everyone knew that the genocide between 1990 and 1994 had claimed over 1 million victims, forced over 2.5 million to take refuge in neighbouring countries and devastated the country. It was in those circumstances that the new Government had taken office in 1994 and launched a process of national reconstruction and reconciliation. Over the past year, national courts had continued to try persons accused of genocide and crimes against humanity; they had performed their task satisfactorily. However, owing to prison overcrowding, the Government would shortly be submitting a package of legislative measures to the National Assembly designed to expedite judicial procedures. The number of persons in custody had already fallen.

44. The Government had completely pacified the north-west of the country and had practically halted the violence being perpetrated in the rest of the country by members of the former Rwandan Armed Forces and the Interahamwe militias. The populations which had been displaced following the rebellion in the north-west were currently returning home and their reintegration was proceeding normally. An independent National Human Rights Commission with wide powers, as well as a National Unity and Reconciliation Commission, had been established.

45. The Rwandan Government did not share the Special Representative's view that the United Nations field operation for human rights in Rwanda was necessary; nor was it convinced that it had been successful. It was nevertheless keen to continue its dialogue with the Office of the High Commissioner to determine how the latter could assist the cause of human rights in Rwanda.

46. While it was true that certain members of the security forces had occasionally committed human rights violations, which they would have to answer for, it certainly did not follow that the policy of the armed forces was to kill innocent and unarmed people indiscriminately, as the Special Representative had concluded. Grouped settlements had been organized for economic and social reasons and the Government rejected the politically motivated assertion that a human rights issue was involved.

47. The Rwandan Government disputed the validity of the allegations in the Special Rapporteur's report (E/CN.4/1999/31) regarding the human rights situation in the Democratic Republic of the Congo. The Special Rapporteur had clearly failed in his duty to be impartial and objective by not consulting all the parties involved and omitting to verify his information thoroughly. It should be recalled that, having perpetrated the genocide in Rwanda, the former Rwandan armed forces and the militias had crossed en masse into the Congolese province of Kivu, where they had killed tens of thousands of Congolese citizens of Rwandan origin. They had also diverted the aid which the international community had sent to the Rwandan refugees, whom they had sought to rally to their cause, their aim being the reconquest of Rwanda and a resumption of the genocide. The attacks which they had launched against Rwanda from the Democratic Republic of the Congo had considerably hampered the new Government's efforts to stabilize and reconstruct the country and promote national reconciliation. That was why the Rwandan Government had welcomed the fall of Mobutu, since it had been convinced that the new Congolese Government would put a stop to the activities of the former Rwandan Armed Forces and the militias operating from Congolese territory. However, not only had the Congolese Government refused to cooperate with Rwanda to ensure security along the border, but it had also supported the authors of the genocide and publicly advocated the elimination of Tutsis living in the Democratic Republic of the Congo, who had been variously likened to viruses, mosquitos and garbage. The Special Rapporteur had unfortunately lacked the courage to report those genocidally minded statements, and his shameful silence on the matter made him an accomplice to genocide.

48. The Rwandan Government therefore requested the international community and the Commission to take urgent measures to halt the genocide and the crimes against humanity which were currently being committed by the Government of the Democratic Republic of the Congo, thereby ensuring the liberation and safe evacuation of the survivors and challenging the genocidal ideology which had spread throughout the Great Lakes region.

49. The CHAIRPERSON said that the accusation made by the representative of Rwanda, namely that the Special Rapporteur was an accessory to genocide, was totally unacceptable.

50. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) said he honestly wondered whether the Rwandan delegation had actually read his report. Paragraph 45 mentioned "incitement to hatred of the Tutsi (who were referred to as 'viruses, mosquitos, garbage' that should be eliminated)" and "a real policy of ethnic cleansing" in Kinshasa.

51. Furthermore, he had visited the three grouped settlements where persons were being "detained" according to the Rwandan Government and "protected" according to the Congolese Government. He had spoken with over 40 people.

52. He had also conducted a special mission to investigate the Masisi war of 1996, but he had had to compile his report in Rwanda because the Mobutu Government had not permitted him to enter Zaire. He had also travelled to

Goma, a rebel-occupied town, where he had held talks with members of an organization claiming either in law or in fact to represent the Tutsi community.

53. Mr. LALLAH (Special Rapporteur on the situation of human rights in Myanmar) introduced his report (E/CN.4/1999/35) by saying that it was based on information received prior to 31 December 1998 and should be read in conjunction with the interim report which he had submitted to the General Assembly at its fifty-third session (A/53/364, annex).

54. The Government of Myanmar had still not permitted him to enter the country in order to engage in a constructive dialogue on all the issues within his mandate. He therefore intended to describe the human rights situation in the country on the basis of all the reliable information which he had been able to gather.

55. On the subject of democracy, the Government had shown no sign of transferring power to the duly elected representatives of the people or engaging in any meaningful dialogue with the political opposition or minority communities. On the contrary, there had been an intensification of repression, particularly against members of the National League for Democracy (NLD). The General Secretary of the NLD had been unable to pay a final visit to her husband before he died, despite a number of diplomatic efforts. The release of a few prominent political prisoners was admittedly a step in the right direction, but the arbitrary arrest of NLD party workers and a number of students had led to severe overcrowding in prisons and a further deterioration in conditions of detention.

56. In the east of the country, where the ethnic minorities were concentrated, the authorities' disregard for basic standards of international human rights and humanitarian law would inexorably lead to a humanitarian disaster. Half a million people had already been displaced and more than 100,000 had sought refuge in Thailand. The authorities should opt for a political solution as opposed to a military strategy, and in the meantime respect international humanitarian law and human rights with a view to minimizing the suffering of civilians caught up in the conflict.

57. The international community should urgently increase humanitarian aid to the Shan, Karen and Karenni peoples and to refugees who had fled abroad. There was a need to strengthen coordination between the activities of different United Nations agencies and focus on respect for civil, political, economic, social and cultural rights, without which national reconciliation would be impossible.

58. Finally, the Government should urgently put a stop to forced labour, including child labour, and apply the recommendations of the recent Commission of Enquiry of the International Labour Organization regarding Convention No. 29 concerning Forced or Compulsory Labour, to which Myanmar was a signatory.

59. U AYE (Observer for Myanmar) once again regretted that the Special Rapporteur had filled his report with baseless allegations made by a few dissidents and elements which were still intent on engaging in armed conflict

against the Government, while at the same time disregarding information from authoritative sources. The present Government had been compelled to assume certain responsibilities in order to end the state of anarchy that had formerly prevailed in the country. Law and order had been restored, and with the return to peace and stability the Government had implemented development projects and was protecting the rights of its citizens. Those measures were outlined in document E/CN.4/1999/129 dated 22 March 1999.

60. The report had dwelt at great length on political rights and had touched very superficially on the most fundamental human rights of all, namely the right to adequate food, clothing and shelter, and the right to development in peace and security. It falsely claimed that some members of a certain political party had been harassed or arrested by the Government. The fact that various political parties did legally exist proved that Myanmar was in the process of granting political rights and was no longer a one-party State. Only members of political parties which broke the law had been requested, in a most lenient manner, to desist from doing so.

61. The report stated that the previous Special Rapporteur had been denied access to prisons and had been unable to meet with prisoners. Yet it was a fact that the previous Special Rapporteur had visited a number of prisons throughout the country and had taken the opportunity to talk with prisoners. The present Special Rapporteur had merely recycled baseless allegations made by former prisoners and political opponents of the Government.

62. The Special Rapporteur had acknowledged that he did not possess verified statistics on the number of displaced persons. Yet he had cited unverified figures received from groups or persons hostile to the Government. While admitting the complexity of the displacement issue, he had nevertheless put forward simplistic explanations based on outdated and unconfirmed historical facts. He had found fault with the counter-insurgency measures undertaken by the Government, yet no country in the world could tolerate terrorism. The Government was currently endeavouring to understand and address the root causes of the rebellion, namely the lack of infrastructure, the inadequate health-care facilities and the low standard of living. A major financial effort had been made and former insurgents were now working in partnership with the Government. But none of those positive developments had been mentioned in the report, which read like a propaganda document for the remaining handful of insurgents and dissidents.

63. The Special Rapporteur had referred to forced labour and portering. The major construction projects currently under way in Myanmar were being carried out by private contractors and members of the armed forces using the necessary construction machinery. Moreover, as a result of the ceasefire agreements reached with certain insurgents, the need for portering, which was permitted by law, had considerably diminished. The so-called displaced persons or refugees referred to in the report were none other than the family members, relatives and sympathizers of the few remaining insurgents.

64. With regard to the conclusions drawn, the Government of Myanmar agreed that the problem of displacement dated back to colonial times. As far as the recommendations were concerned, his delegation had no problem with the idea that assistance to ethnic minorities living in border regions should be a

Government priority, that the Government should request assistance from the international community, and that efforts should be made to identify a political solution. The Government had long been striving to achieve those goals. Finally, the authorities were prepared to let Ms. Aung San Suu Kyi leave the country for family and humanitarian reasons following the death of her husband Mr. Michael Aris; she would not be prevented from re-entering Myanmar.

65. Mr. AKAO (Japan) said that the more open climate since the end of the cold war, increased globalization and the development of communication via the Internet were binding the international community together more closely. Nevertheless, individuals and entire peoples remained marginalized, particularly in Africa where poverty was a major problem. The integration of African economies into the global economy was one way of conquering poverty; in that spirit Japan had hosted the second Tokyo International Conference on African Development (TICAD II) the previous October. The economic situation had been aggravated by political problems in a number of African countries. The ongoing conflict in the Democratic Republic of the Congo was a major obstacle to the improvement of the human rights situation. Japan was willing to join the international community in efforts to stabilize the political and economic situation in that country, and it urged the Congolese Government to address the humanitarian needs of refugees and displaced persons.

66. Welcome progress had been made in a number of African countries. The Nigerian authorities had taken a series of positive measures, for example the release of Mr. Obasanjo who had subsequently been elected President. Japan had contributed $410,000 to the management of the electoral process. The Government of the Sudan had shown its willingness to advance the peace process. Japan encouraged the Sudanese Government to press ahead with its efforts and welcomed the decision to allow the Special Rapporteur on the situation of human rights in that country to establish contact with the various parties involved. His delegation also hoped that the situation in Rwanda and Burundi would improve.

67. The events unfolding in Kosovo were highly disturbing. Japan strongly condemned the acts of terror and aggression being perpetrated against the population, which had precipitated a flood of refugees into neighbouring countries; it intended to announce a new initiative to help the refugees. The human rights situation in other parts of the former Yugoslavia was also disturbing.

68. Japan urged the Iraqi Government to cooperate with the United Nations human rights protection mechanisms, particularly the Special Rapporteur. It was to be hoped that the oil for food programme would be implemented effectively to alleviate the suffering of the Iraqi people. While welcoming a number of recent positive developments in Afghanistan, Japan urged all the parties involved, and especially the Taliban, to do everything in their power to protect human rights. The situation in the occupied territories in the Middle East was a matter of concern, and it was unfortunate that the Wye River Accord had not been fully implemented.

69. The efforts that had been made to improve the human rights situation in the Islamic Republic of Iran were praiseworthy, and it was to be hoped that

the Iranian Government would deepen its cooperation with the international community. The Japanese Government had repeatedly requested the Cuban authorities to respect human rights. It welcomed the release of political prisoners in 1998 and other positive developments, and earnestly hoped that Cuba would cooperate constructively with the Commission. Japan also continued to be concerned about the situation in Cyprus, and hoped that negotiations between the two sides would develop within the framework of the Secretary-General's mission of good offices.

70. Asian countries had made every effort to strengthen the enjoyment of the civil, political, economic, social and cultural rights of their peoples, despite the financial crisis afflicting the region. The seventh session of the Asian Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, held in New Delhi, had been well attended. National institutions for the protection of human rights had been established in a number of countries. Japan welcomed the progress towards a peaceful settlement of the conflict in East Timor. The Chinese authorities had demonstrated their willingness to improve the human rights situation, for example by signing the International Covenant on Civil and Political Rights, reforming their legislation and engaging in a dialogue on human rights issues with United Nations bodies and concerned countries. Japan encouraged China to continue its efforts and invited it to ratify and implement the two International Covenants. On the subject of Myanmar, it was regrettable that Aung San Suu Kyi had been unable to bid a final farewell to her husband, Mr. Michael Aris. It was essential that the various parties in Myanmar should enter into sincere negotiations.

71. Finally, the Commission should adopt a more encouraging and balanced approach that combined support for and criticism of countries which demonstrated a willingness to improve their human rights situation.

72. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and the 10 East and Central European countries associated with the Union, said that the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law enshrined in the Amsterdam Treaty, which was due to enter into force shortly, were binding on current and future members of the European Union. Racism, xenophobia, violence and social problems in a number of European countries showed that, despite existing safeguards, constant vigilance was required in the area of human rights. It was in that spirit that the European Union wished to refer to the situation in certain countries, primarily those in which the population was suffering as a result of armed conflict. It conveyed its sympathy to the victims of conflict and expressed its willingness to identify a solution.

73. With regard to the situation in Kosovo, the European Union strongly condemned the reported atrocities against ethnic Albanians and demanded their immediate cessation. The human rights situation in Serbia as a whole continued to give cause for concern, for example violations of minority rights in the areas of Vojvodina and Sandžak. While welcoming the progress that had been made in implementing the peace agreement in Bosnia and Herzegovina, the Union had noted with concern the lack of independence and impartiality of the judiciary in both entities and the continuing violence against returning refugees. The European Union remained convinced that all indicted persons

should be brought before the International Criminal Tribunal for the Former Yugoslavia and requested the authorities in Bosnia and Herzegovina and all relevant countries to cooperate fully with the Tribunal.

74. In Africa, the European Union had been disturbed by the resumption of hostilities in Angola and the resulting violations of human rights and international humanitarian law, particularly in the areas controlled by the União Nacional para a Independência Total de Angola (UNITA). It urged both parties to the conflict to grant humanitarian organizations access to the civilian population throughout the country and to resume dialogue. The European Union also urged Ethiopia and Eritrea to reach a peaceful negotiated settlement, implement the framework agreement of the Organization of African Unity (OAU) without delay, and respect international humanitarian law and human rights standards. In Burundi, the situation remained very precarious because rebel and army activities continued to claim a high number of civilian casualties. The legal system also left much to be desired: 80 per cent of detainees had still not been tried. However, the signing of a partnership agreement between the political forces in Burundi was an encouraging sign; the European Union would offer political, financial and technical support to the Arusha peace process. In Rwanda, unfortunately, human rights violations were continuing and the situation of a number of internally displaced persons was alarming. The European Union urged the Rwandan Government to review its policy of resettlement in villages with the international community, given that forced resettlements constituted a human rights violation. It was vitally important to expedite the establishment of the National Human Rights Commission, which had already been approved by the National Assembly, and to ensure its independence and smooth operation in close cooperation with the High Commissioner for Human Rights. The European Union condemned the atrocities committed in Sierra Leone by factions seeking to overthrow the democratically elected government and called for an immediate halt to the suffering of the civilian population. The absence of a peaceful settlement to the conflict in Somalia remained the chief obstacle to reconciliation and reconstruction in that country. The Somali authorities and the Somali people should refrain from resorting to force. Finally, the European Union noted with regret that Ugandan security forces had also been responsible for human rights violations, in addition to those committed by rebel forces.

75. Massive human rights violations had also occurred in Asian countries. The grave and systematic violations of the rights of women and girls in Afghanistan were particularly disturbing. In that connection, the Union welcomed the Secretary-General's proposal to deploy international civilian monitors in Afghanistan to prevent further violations. In Kashmir, despite the positive measures taken by the Indian Government, the situation was far from returning to normal. The European Union called on the Governments of India and Pakistan to take all appropriate measures to halt the violence, and to take further steps to protect the rights of religious minorities in the subcontinent. The Pakistani Government in particular should prevent the misuse of blasphemy laws and abolish the death penalty for blasphemy. In Sri Lanka, paramilitary groups, the armed forces and the police were still responsible for disappearances, extrajudicial executions, arbitrary arrests and torture. The European Union condemned terrorist attacks by the Liberation Tigers of Tamil Eelam (LTTE) and other paramilitary groups against civilian

targets and the use of child soldiers. It called on the Sri Lankan Government to strengthen the capacity of the Human Rights Commission of Sri Lanka to investigate human rights violations.

76. Concerning Latin America, the European Union welcomed the human rights progress achieved in Guatemala since the signing of the peace agreement, the implementation of which would certainly be expedited by the publication and widespread dissemination of the final report of the Commission for Historical Clarification. The competent authorities should renew efforts to properly investigate certain acts of violence, in particular the assassination of Bishop Gerardi, and ensure that those responsible were brought to justice. Positive measures had been taken in Peru, in particular the abolition of the system of "faceless judges" and the appointment of an ombudsman, and the International Committee of the Red Cross (ICRC) had been allowed to conduct visits. But at the same time the European Union continued to be concerned about prison conditions and the failure to respect the rights of indigenous populations.

77. The European Union was also disturbed by reports of common and large-scale human rights violations in the Democratic People's Republic of Korea.

78. The Union was firmly convinced that respect for democracy and the rule of law were the essential building blocks of just and stable societies. It was therefore concerned about deficiencies in the legal and judicial system of Belarus, and called on the Belarusian Government to revoke regulations curtailing the right to freedom of expression and peaceful assembly and resolve by democratic means the current constitutional dispute with the opposition.

79. As to Equatorial Guinea, the European Union had noted with satisfaction the commutation to life imprisonment of the death sentences handed down to 15 Bubis, yet remained concerned by the continuing allegations of torture, deplorable prison conditions and arbitrary arrests.

80. The Union also called on the civilian and military authorities in Zimbabwe to respect the right to security of person and freedom of the press, having noted with concern that two Zimbabwean journalists had recently been arrested and evidently tortured by the military authorities.

81. The European Union believed that the solution to the current political and constitutional crisis in Haiti could only come about through free and honest elections. It condemned attacks on human rights defenders and urged the authorities to fully investigate the assaults.

82. The European Union urged the Cuban Government to signal its commitment to human rights by acceding to the two International Covenants on Human Rights. Cuba should also cooperate fully and constructively with all the human rights mechanisms of the United Nations. Some aspects of the law adopted by the National Assembly on 16 February 1999, which limited the civil right to express an opinion or disseminate information, were disturbing. The Union reiterated its concern at the continued repression of members of the

opposition and the detention of dissidents, in particular with regard to the heavy sentences recently imposed on the four members of the group of internal dissent who had been charged with subversion.

83. The European Union welcomed the increased cooperation of the Government of Algeria with international partners in order to gather information on the human rights situation in that country; such developments could be seen as a desire to consolidate the democratic process. However, the Algerian Government should also cooperate with United Nations human rights procedures and mechanisms, in particular by permitting the Special Rapporteur on torture to visit Algeria as soon as possible and giving full effect to the concluding observations of the Human Rights Committee. The Union urged Algeria to adhere scrupulously to human rights standards in its struggle against terrorism. In the light of the allegations of involuntary disappearances, the relevant Working Group should be invited to visit the country.

84. Despite some progress, cases of arbitrary detention, extrajudicial executions, forced disappearances and torture were still being reported in Indonesia. The European Union was particularly concerned by the increase in tension and violence in the Moluccas, especially inter-religious hostilities. The Indonesian Government should ensure respect for the rights of ethnic and religious minorities throughout the country.

85. The European Union had followed with great attention the political and human rights developments in Cambodia, and urged the Cambodian Government to ensure that the Khmer Rouge leaders responsible for genocide, crimes against humanity and serious violations of international humanitarian law should be brought before an independent tribunal. The Union was also concerned about the adverse effects of logging activities on the social and economic rights of ethnic minorities and rural populations in certain areas of the country.

86. The European Union hoped that the Mexican Government's measures to promote human rights education for the military, the judiciary and law-enforcement officials would put a stop to impunity and serious human rights violations, in particular torture, while at the same time ensuring the independence of the judiciary. The Mexican Government should intensify its efforts to end discrimination against indigenous peoples and promote their enjoyment of human rights.

87. In Croatia, unfortunately, the necessary measures to make the reconstruction programme operational, for example the launching of a nationwide publicity campaign, had not been taken. Neither had there been any significant progress in eliminating discriminatory legislation. The European Union called on Croatia to abolish all discriminatory legislation, thereby ensuring implementation of the refugee return programme, and hoped that the implementation of the programme to normalize living conditions in the war-stricken areas, especially along the Danube, would continue.

88. There were continuing reports of widespread use of torture and illegitimate restrictions on freedom of expression in Turkey. The European Union urged Turkey to respect the rule of law and international human rights standards, in particular when fighting terrorism, and to continue to respect the decisions of the European Court of Human Rights.

89. The authorities in the Syrian Arab Republic should adopt specific measures to improve the human rights situation in that country, particularly in respect of arrest and detention procedures, prison conditions and freedom of expression.

90. The status quo in Cyprus was still unacceptable; the European Union therefore fully supported the Secretary-General's mission of good offices and called for the full respect of human rights and fundamental freedoms throughout the island.

91. The human rights situation in China had raised new concerns in a number of countries following the arrest of political dissidents and the harsh sentences meted out to them. While applauding the recent improvements in Chinese legislation, and especially the incorporation of the principle of the rule of law into the Chinese Constitution, the Union nevertheless encouraged China to ratify and implement the two International Covenants on Human Rights as soon as possible. The widespread and excessive use of administrative detention and the death penalty, restrictions on religious freedom and freedom of speech, and the situation in Tibet were abiding matters of concern.

92. The right to a fair trial was a basic human right. In that connection, the European Union had followed with interest the trial of the former Deputy Prime Minister of Malaysia. The Malaysian Government's announcement that it intended to establish a national human rights commission was a welcome step.

93. Saudi Arabia should take steps to improve the situation of women in law and in practice. The Government should also be encouraged to limit the use of the death penalty. Improvements with regard to the exercise of non-Muslim worship were to be welcomed.

94. True to its commitment to human rights, the European Union would continue to raise concerns about the situation in certain countries, regardless of the ties of friendship or the relations uniting those countries with the Union.

95. Mr. AL-THANI (Qatar) said that a country only became great when it guaranteed respect and protection for human rights and fundamental freedoms. Fourteen centuries before the Universal Declaration of Human Rights, Islam had proclaimed the equal rights and responsibilities of all human beings. According to Islam, all human beings, regardless of nationality, religion and race, possessed natural rights even before they became members of a group. Islam's contribution to the field of human rights had been demonstrated at the Seminar on Islamic perspectives on human rights, organized jointly by the United Nations and the Organization of the Islamic Conference in Geneva in August 1998. That event had been a step towards rapprochement between nations and dialogue between civilizations.

96. While it was important that all countries should ratify international human rights instruments and incorporate them into their national laws, the rights enshrined therein should also be implemented. Qatar had not only ratified the instruments but had also taken unprecedented measures to

implement them. It was planning to adopt a permanent constitution and an election law that would provide men and women with equal rights to vote and stand for election to the national council.

97. A comprehensive approach was needed to ensure that efforts to enhance human rights would be productive, with due weight given to civil, political, economic, social and cultural rights. Certain religious considerations would also have to be borne in mind. The convictions of a billion Muslims all over the world should be respected. Human rights issues should be considered objectively, without selectivity or discrimination.

98. Qatar believed that the right to development was an integral part of human rights. Convinced of the need to eradicate all forms of racism and racial discrimination, regardless of their causes, it supported the holding of a conference on the issue of racism and believed that the Commission should attach priority to the preparations for such a conference.

99. Qatar also supported the right of the Palestinian people to declare an independent State and the right of the Lebanese people to demand the end of the Israeli occupation of the south of their country; the Syrian Arab Republic should also be supported in its struggle to liberate the occupied Golan. The rule of law and a just and comprehensive peace based on Security Council resolutions was the only way to end the human rights violations against the inhabitants of the occupied Arab territories.

100. His delegation hoped that the Commission, which was the cornerstone of international activities in the field of human rights, would adopt a constructive approach towards all the items on its agenda.

101. Mr. KOH (United States of America) said that, like all countries, the United States had had to confront human rights challenges in its own territory, yet as a nation conceived in liberty, it remained dedicated to the proposition that all persons everywhere were created free and equal. The United States was proud of its human rights record and welcomed comparisons with other countries.

102. His Government rejected the argument that violations of universal human rights could be justified by regional, national, ethnic, cultural and linguistic considerations. For example, no Asian value could explain why the Burmese junta had cynically refused to allow a dying husband, the late Mr. Michael Aris, to visit his wife, Aung San Suu Kyi, for the last time. All nations should condemn the Burmese junta's constant efforts to politicize human tragedy and repress human rights.

103. It was clear not only that human rights were universal, but also that they were indivisible, interdependent and interrelated, and that the surest road to economic rights lay through an open and transparent political system that respected the rights of all citizens. To protect political and economic freedom, it was first of all necessary to recognize the indissoluble link between human rights and political democracy. In that connection, developments in Nigeria, where the recent elections were a step towards democratic rule, should be applauded. But promoting democracy meant more than just holding elections. The Indonesian Government had understood that fact

and had taken specific measures to encourage the establishment of new political parties and independent media, as well as ensuring the full participation of women and ethnic and religious minorities in Indonesian society.

104. Failure to respect human rights went hand in hand with the absence of democracy. The former Yugoslavia clearly demonstrated that truth. The regime of Slobodan Miloševi6 had renewed its murderous campaign of terror against its own citizens. The United States condemned the brutal Serbian attacks on the Albanian civilian population of Kosovo and Belgrade's decision to suppress the domestic and foreign media, thereby denying the world knowledge of its systematic abuse of human rights. The same was true in Sierra Leone, where rebel forces had committed acts of extraordinary cruelty, and in the Democratic Republic of the Congo, where Government forces had also committed violations.

105. However, the Commission should not focus its attention exclusively on the situation in countries where there was armed conflict. In Afghanistan, for example, the Taliban's treatment of women constituted an extremely serious violation of human rights. In Iraq, Saddam Hussein's regime was continuing its campaign of executing political opponents. As the Special Rapporteur on the situation of human rights in Iraq had noted in his most recent report (E/CN.4/1999/37), 2,500 opponents had been summarily executed in Government custody since October 1997. The assassination of three Islamic clerics, the resumption of repression in the south of Iraq, and the continuing forced displacements of Iraqi Kurds and Turkomans in the north were particularly disturbing developments. The Government of the Sudan was also suppressing all forms of political and religious dissent through the use of extrajudicial executions, disappearances, torture, and arbitrary arrest and detention.

106. The Commission must adopt resolutions on the situations in those countries, particularly where regional and bilateral efforts to halt the human rights violations had failed. As a matter of principle, it should condemn those abuses and propose mechanisms to remedy them. No country should be permitted to move that the Commission should refrain from commenting on a particular situation, thereby preventing it from examining whether a country had acted in accordance with recognized international standards. To reaffirm those principles, the United States intended to introduce a resolution on China, where the authorities had initiated a crackdown against organized political opposition. Dozens of political activists had been detained and three leaders of the China Democracy Party had been given harsh sentences in trials violating due process. Restrictions had been imposed on freedom of the press, freedom of worship and freedom of expression, and draconian measures continued to be taken to efface Tibet's unique cultural, religious and linguistic heritage. The same resolution would urge China to respect the rights protected by the International Covenant on Civil and Political Rights, which it had signed but not ratified.

107. His delegation urged all Member States to join the United States in reaffirming that the right to democracy necessarily included a right to peaceful democratic dissent, and that the Commission was competent to examine any Government's conduct in the light of universal human rights standards. For the same reason, the United States intended to support a resolution on the

situation in Cuba, where quite recently four dissidents had been given heavy sentences simply for having non-violently exercised their right to freedom of expression and association.

108. The Commission should also examine the situation in other countries where human rights violations were taking place, for example Belarus, Equatorial Guinea, Algeria, the Islamic Republic of Iran and the Democratic People's Republic of Korea. Ms. Albright, the United States Secretary of State, and himself were from families originating in two countries, the Czech Republic and the Republic of Korea, which had since become free and democratic; that was a message of hope for all those struggling for democracy and human rights.

The meeting rose at 1.05 p.m.